

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

FILED 09 JAN 13 14:16 USCDC

UNITED STATES OF AMERICA

3:13-cr-00006-HA

v.

INDICTMENT

JOEL ZAVALA-ESPINOSA, and  
JORGE RODRIGUEZ-MAGALLANES  
(aka JOSE ASCENCION ANTUNA-  
CALDERA),

21 U.S.C. §§ 841(a)(1), (b)(1)(C)  
21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A)(i)  
21 U.S.C. § 853  
18 U.S.C. § 924(c)  
18 U.S.C. § 924(d)  
28 U.S.C. § 2461(c)

Defendants.

THE GRAND JURY CHARGES:

COUNT 1:

[Distribution of Heroin Resulting in Death]

21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)

On or between November 6, 2012, and November 9, 2012, in the District of Oregon,  
**JOEL ZAVALA-ESPINOSA** and **JORGE RODRIGUEZ-MAGALLANES**, defendants  
herein, did knowingly and intentionally distribute a mixture or substance containing a detectable  
amount of heroin, a Schedule I controlled substance, and defendants' distribution of said heroin  
resulted in the death of another person, to wit: defendant distributed heroin which was ultimately  
used by Jamey Lynn Bergara, whose use of said heroin caused her death, all in violation of Title  
21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title 18, United States Code,  
Section 2.

COUNT 2:

[Conspiracy to Distribute Heroin]

21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A)(i)

Beginning on or around July 2012 and continuing through November, 2012, in the  
District of Oregon, defendants **JOEL ZAVALA-ESPINOSA** and **JORGE RODRIGUEZ-**  
**MAGALLANES** did knowingly and willfully combine, conspire, confederate and agree with

each other and with others both known and unknown to the Grand Jury, to distribute heroin, a Schedule I controlled substance, in an amount exceeding 1,000 grams, all in violation of Title 21, United States Code, Sections 846, 841(a)(1) and (b)(1)(A)(i).

**COUNT 3:**  
**[Distribution of Heroin]**  
**21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)**

On or about November 11, 2012, in the District of Oregon, defendant **JORGE RODRIGUEZ-MAGALLANES** did knowingly and intentionally distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT 4:**  
**[Distribution of Heroin]**  
**21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)**

On or about November 13, 2012, in the District of Oregon, defendant **JORGE RODRIGUEZ-MAGALLANES** did knowingly and intentionally distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT 5:**  
**[Possession with the Intent to Distribute Heroin]**  
**21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)**

On or about November 14, 2012, in the District of Oregon, defendant **JORGE RODRIGUEZ-MAGALLANES** did knowingly and intentionally possess with the intent to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT 6:**  
**[Possession with the Intent to Distribute Heroin]**  
**21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(i)**

On or about November 16, 2012, in the District of Oregon, defendant **JOEL ZAVALA-ESPINOSA** did knowingly and intentionally possess with the intent to distribute 1,000 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(i).

**COUNT 7:**  
**[Possessing a Firearm In Furtherance of Drug Trafficking]**  
**18 U.S.C. § 924(c)**

On or about November 16, 2012, in the District of Oregon, defendant **JOEL ZAVALA-ESPINOSA** did knowingly possess a firearm, namely an SKS Rifle with serial number 1618022J, in furtherance of the crimes: Conspiracy to Distribute Heroin, (as alleged in Count 2), Possession with the Intent to Distribute Heroin (as alleged in Count 6), drug trafficking crimes for which he may be prosecuted in a court of the United States; all in violation of Title 18, United States Code, Sections 2 and 924(c)(1).

**CRIMINAL FORFEITURE ALLEGATION - CONTROLLED SUBSTANCES**

As a result of committing the controlled substance offenses alleged in this indictment, **JOEL ZAVALA-ESPINOSA** and **JORGE RODRIGUEZ-MAGALLANES**, defendants herein, shall forfeit to the United States pursuant to Title 21 United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1-6 of this Indictment.

**CRIMINAL FORFEITURE ALLEGATION - FIREARM**

Upon conviction of the offense alleged in Count 7 of this indictment, defendant **JOEL ZAVALA-ESPINOSA** shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearm (an SKS Rifle with serial number 1618022J) and all associated ammunition involved in that offense.

DATED this 9 day of January 2013.

A TRUE BILL.

\_\_\_\_\_  
OFFICIATING FOREPERSON

Presented by:

S. AMANDA MARSHALL  
United States Attorney

  
\_\_\_\_\_  
STEVEN MYGRANT, OSB #031293  
Special Assistant United States Attorney

  
\_\_\_\_\_  
LEAH K. BOLSTAD, OSB #052039  
Assistant United States Attorney